

Literature review on outcomes of parental discipline styles, evidence on effective parenting styles and the international experience of prohibition of physical punishment in law

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Executive summary

The key findings of this review are summarised below in relation to the three areas of focus: effectiveness and outcomes of parental physical punishment; effectiveness and outcomes of other forms of parental disciplinary approaches; and the international experience of prohibition of physical punishment in law.

Disciplinary approaches and prevalence across the UK

- Studies with parents across the UK show that prevalence of the use of physical punishment as a discipline practice has declined; parents often use a range of disciplinary practices that is dependent on the context of the disciplinary incident; and that whilst there is little support for use of physical discipline there is not seen to be a need for an outright ban.

Evidence on the effectiveness and outcomes of physical punishment

- Research shows that the use of physical punishment peaks for children between the ages of three and five.
- The use of physical punishment has been associated with aggressive behaviour and emotional and behavioural problematic behaviour in childhood and into adolescence/adulthood. As well as the context of the parent-child relationship, children's reactions to disciplinary strategies are influenced by age and temperament. There is a strong connection between parent emotional state and the use of physical punishment with both maternal anger and parental frustration/aggravation having been found to be predictive of physical punishment.

- As physical punishment is often used alongside other negative approaches such as yelling, the negative effects attributed to corporal punishment could be attributed to a range of negative parenting approaches.

Relative effectiveness of different parenting styles

- Research evidence shows negative short-term and long-term outcomes of *authoritarian* (high control of structure, low responsiveness to child's needs) styles of parenting, although the context of behaviour affects outcomes. Verbal punishment is associated negatively with competence and positively with problem behaviour. Research has shown that both physical punishment and verbal punishment by parents are associated with negative developmental outcomes for their children.
- Research evidences positive outcomes of *authoritative* (high control of structure, high responsiveness to child's needs) disciplinary styles; for example, in relation to internalisation of moral and social values. Research evidence on the use of reasoning or verbal explanations for young children (under six) is mixed regarding effectiveness whereas it has been shown to benefit children aged over six. The use of reasoning has positive effects for younger children when it is used in the context of an authoritative parenting style characterised by setting clear expectations and open communication. Literature focusing on characteristics of effective parental styles emphasises clarity, consistency and the context of the parent-child relationship.
- *Permissive* (low control of structure, low responsiveness to needs) styles of parenting were associated with negative outcomes in adolescents.

Limitations of research

- There are several limitations of the existing research literature. These include that it is difficult to determine causality due to the effects of other variables; studies predominantly use parent self-report methods and are retrospective; and there is a lack of focus on frequency/severity of discipline methods and consequences on outcomes. Another identified issue is that it is difficult to determine causality between parenting style and problematic child behaviour as it could be that this association is reversed. There is also a lack of research looking into children's views on parental disciplinary practices and outcomes

International experience of prohibition of physical punishment in law

- Legislation prohibiting physical punishment in the home has been widely accepted in the countries in which it has been introduced. There are arguments

- that this may be partly because attitudes towards physical punishment had changed before legislation was introduced.
- In Sweden and Germany, legislation prohibiting physical punishment was widely accepted. In Germany, there was an initial lack of awareness of the change in its civil code that was understood to be due to a lack of awareness-raising (Bussmann, 2004). In Sweden, where the ban has been in place the longest, only a minority of the public remain in favour of physical punishment. Sweden has continued to raise public awareness through successive campaigns, which are shown to have been effective.
 - On the other hand, New Zealand provides an illustrative case of where the legislation was received with some controversy and concern, which led to a citizen-led referendum and a police review of the enactment of the Act in relation to prosecutions and convictions.
 - A key conclusion is that legal reform must be accompanied by raising awareness of the reform through public education in order to be successful in changing attitudes and supporting parental discipline based on positive parenting.

1. Background and Context

1.1 Overview

This review was commissioned by the Scottish Government to explore the legal approach taken in a variety of jurisdictions to the smacking of children and to review research evidence on the outcomes of physical punishment and on alternative approaches to disciplining children. This is a literature review of the international evidence on parental physical punishment and other forms of disciplinary approaches regarding their effectiveness and outcomes. It does not look at physical punishment in institutions. The majority of the studies included in this review on parental physical punishment relate to pre-school and young school-aged children. It does not specifically examine studies which explore the use of physical punishment with adolescents, as the use of physical punishment with adolescents is a lot less common, although some of the longitudinal studies examined explore the longer-term impacts of physical punishment into adolescence. The evidence on the effectiveness and outcomes of other forms of disciplinary approaches covers a wider age range, and evidence relating to specific age groups of children will be highlighted. The report also identifies and discusses the international experience of physical punishment legislation as well as recommendations of particular approaches to parental disciplinary approaches in three countries: Sweden, New Zealand and Germany.

This report will begin with a summary of the methods of the literature review, an overview of the legal approach taken in other jurisdictions and the limitations of the

research in this area. Typologies of parenting styles will then be explored and an overview provided of the prevalence of the use of physical punishment drawing on UK studies. Evidence on the effectiveness and outcomes of physical punishment, authoritarian and authoritative disciplinary styles will then be examined. Lastly, this report will explore international evidence on the prohibition of physical punishment in three countries: Sweden, Germany and New Zealand. For an overview of the law in Scotland in relation to parental responsibilities and rights, see Annex 1.

1.2 Methods of literature review

The report takes the form of a non-systematic (narrative) literature review of relevant sources primarily from social sciences and psychology journals as well as UK-based attitudinal studies with parents and children on parental discipline. It provides an overview of the research literature on physical punishment and other disciplinary styles. The following journal databases have been accessed: SCOPUS, ProQuest and WEST Law using search terms including ‘corporal punishment’, ‘parental discipline’, ‘smacking’ and ‘outcomes’. The Council of Europe website and journal databases were used to access legislation and approaches across jurisdictions. The majority of the literature search was conducted from March to July 2015 with a follow-up in January 2016. The research and evidence examined is mainly quantitative (largely retrospective, cross-sectional) and child and parent attitudinal surveys conducted in UK have also been examined. There is a vast volume of literature on outcomes of parental disciplinary practices at an international level, a lot of which is from the US. The review draws on both national and international literature, published in the past 25 years.

1.3 Definitions of physical punishment

Research on physical punishment has been criticised for often conflating non-abusive physical punishment with harmful and abusive behaviours, which prevents conclusions being drawn on the more frequent use of smacking (Gershoff, 2002). Researchers have depicted harsh physical discipline and abusive behaviour as part of a continuum (Weiss et al., 1992). Gershoff (2002) highlights issues with quantitative research on outcomes of smacking which asks only if parents have *ever* used corporal punishment without in-depth exploration of the heterogeneity of smacking, i.e. different levels of frequency/severity and consequence on outcomes. Most research studies differentiate between corporal punishments that do not result in significant physical injury (i.e. a smack) and behaviours that risk physical injury (i.e. kicking), which are defined as physical abuse (Gershoff, 2002). The research examined in this review explicitly focuses on physical punishment rather than physical abuse/maltreatment. Some of the studies reviewed examine categorisations of physical punishment and associated impacts. The literature in this field variously refers to smacking, physical punishment, physical discipline or corporal punishment. This report will use the terminology of physical

punishment for the most part, apart from where specific studies have used other terminology.

1.4 Overview of legal approach taken in other jurisdictions

The UK is one of only three countries¹ in the European Union that have not committed to law reform on physical punishment (see Annex 2 for an overview of international conventions related to physical punishment). As of November 2015, of the 47 member states of the Council of Europe, 29 countries have laws banning corporal punishment of children in all settings including the home. Ten jurisdictions have expressed a commitment to enacting a full ban as a result of accepting recommendations to ban corporal punishment by parents made during the Universal Periodic Review (UPR) of the European Commission.² There are seven jurisdictions where there is no legislation banning corporal punishment at home and currently no commitment to law reform.³ Outside Europe, physical punishment is legal in the US, Canada and Australia. It was banned in New Zealand in 2007.

1.5 Limitations of research

There are several limitations with the research literature on parent discipline and outcomes. Many studies rely on retrospective parent self-reports of smacking, and parents' responses could be affected by social desirability bias. Other limitations of the research in this area include that it is difficult to determine causality due to effects of other variables and a lack of focus on frequency/severity of discipline methods and consequences on outcomes. In Ferguson's (2013) meta-analytic review of longitudinal studies on the impact of spanking and corporal punishment on negative child outcomes, he argues that the relationship between corporal punishment and adverse child outcomes is not definitive, mainly due to inconsistent definitions of corporal punishment as well as methodological issues. Another identified issue is that it is difficult to determine whether parenting style causes problematic child behaviour as it could be that this association is reversed. For example, Halpenny et al. (2010) found that parents of children with conduct problems engaged more frequently in authoritarian parenting behaviours and that levels of verbal hostility were highest in families of children with emotional or conduct problems. There are differences in parenting disciplinary styles at different ages of child development. Also, normative child-rearing practices also vary according to the cultural background of the family and this could be considered when assessing the effectiveness of disciplinary approaches (Morrison Gutman et al., 2009). Gershoff (2002) writes of bias in research towards uncovering negative outcomes linked with physical punishment. Gershoff (2013) also writes that perhaps the most significant shortcoming of research on

¹ Others include France and Belgium.

² These include Armenia, Azerbaijan, Bosnia and Herzegovina, Georgia, Lithuania, Montenegro, Serbia, Slovakia, Slovenia and Turkey (COE, 2015).

³ These include Belgium, Czech Republic, France, Monaco, Russian Federation, Switzerland and UK (COE, 2015).

corporal punishment to date is the failure to recognise that it rarely occurs in isolation, and is typically combined with reasoning, threats, time-out, and withdrawal of privileges or other techniques.

2. Typologies of parenting disciplinary styles

Parents do not use a single discipline style, but rather vary their practices depending on the context – including the nature of the child’s misdeeds (Grusec and Goodnow, 1994). The available literature presents a typology of parenting styles including authoritarian (power assertive and punitive strategies); authoritative (supportive and inductive techniques); and permissive (low-demanding). Socolar (1997) advocates that a distinction between “proactive” and “reactive” discipline can be useful where “reactive discipline” is that which is taken in response to misbehaviour and “proactive discipline” encompasses discipline/actions taken to encourage good behaviour. Some literature narrows this typology down further; for example, Baumrind et al. (2010) provide seven distinctive pre-school patterns of parental authority that differ on levels of what they term demandingness, responsiveness and psychological autonomy. These are:

- 1) Authoritative parents who are high demanding, responsive and autonomy-supportive (low psychological control).
- 2) Directional parents (who are more demanding than responsive) – include those who are high-psychologically controlling, high-demanding, and low-responsive (authoritarian) and those who are high-demanding and moderate-responsive (directive).
- 3) Lenient parents (who are more responsive than demanding) – include those who are low-demanding and high-responsive (permissive) and those who are moderate-demanding, high-responsive, and high-autonomy supportive (democratic).

Baumrind et al. (2010, p. 162) state: ‘Good enough parents are moderately responsive, demanding, and autonomy supportive. Disengaged parents are least committed by being low-demanding, low-responsive, and low-autonomy supportive’. Evans (2015) writes that while these typologies are helpful, they leave room for variation in actual behaviour within the parenting style and for this reason some researchers have proposed a greater focus on parenting disciplinary practices; for example, Socolar (1997) classifies between type of discipline (what action was taken and sub-types within this; for example, different types of physical punishment); the mode of administration (how it was carried out); and, the context in which the misbehaviour occurred (in relation to child characteristics, family characteristics, parental characteristics and situational context).

3. Disciplinary approaches and prevalence across the UK

Survey research involving parents across the UK shows that prevalence of the use of physical punishment as a discipline practice has declined; parents often use a range of disciplinary practices that is dependent on the context of the disciplinary incident; and that whilst there is little support for use of physical discipline, there is not seen to be a need for an outright ban.

Prevalence of the use of physical punishment as a discipline practice in the UK has declined. Comparing the experiences of 18-24-year-olds in 2009 to a similar study from 1998 in the UK, 41% said they had been smacked on the bottom with a bare hand by an adult at home, school or elsewhere during their childhood compared with 53.1% in 1998 (Radford et al., 2011).

3.2 Prevalence of use of physical punishment

Key findings from UK-based studies on the prevalence of physical punishment are summarised in Table 1. Child-age effects have been identified in the use of physical punishment, with children aged two to nine experiencing physical punishment more frequently than children of other ages (Halpenny et al., 2010). Research shows that the use of physical punishment peaks for children between the ages of three and five (Smith et al., 2005). In an Irish survey with parents, the most common forms of physical punishment reported were slapping a child on the bottom or on the hands, legs or arms, and shaking, grabbing or pushing a child (Halpenny et al., 2010). Parents use physical punishment as an adjunct, not as an alternative to non-physical punishments (Ghate et al., 2003). The specific context of the parent-child relationship and the temperament and age of the child need to be considered when examining the effectiveness of disciplinary approaches; for example, certain approaches may work well in one context and not in another (National Society of the Prevention of Cruelty to Children, 2013). Experimental studies have found that highly active, aggressive and conduct-disordered children elicit coercive and power-assertive techniques from their parents (Gershoff, 2002).

Table 1: Summary of UK studies on prevalence of physical punishment

Study	Data collection	Sample	Key Findings
Growing Up in Scotland study⁴ 7th sweep (Parkes et al., 2014) (Scotland)	2012/13	3,279 children aged 7 years and 10 months	44% of children reported never being smacked, 35% sometimes, 8% often and 13% were “always” smacked if they did something wrong.
Child abuse and neglect in the UK today (Radford et al., 2011) (UK)	2009	Parents of under 11-year-olds (N = 2,160) Parents of 11-17 year-olds (N = 2,275)	39% of parents of under 11-year-olds and 46% of parents of 11–17 year olds had physically punished or smacked their child in the last year.
Parents’ Perspectives on Parenting Styles and Disciplining Children (Halpenny et al., 2010) (Ireland)	2007/08	1,353 parents of children aged less than one year to 17 years	25% of parents reported using physical punishment with their child in the past year.
Fourth survey of the UK Millennium Cohort Study⁵ (Smith, 2010) (Scotland)	2008	Mothers in Scotland (N = 1,555)	52% of mothers in Scotland responded that they ‘never’ smack their child when naughty and 4.8% said they ‘sometimes did’ when child at age 7.
Third survey of the UK Millennium Cohort Study (Jones and Smith, 2008) (Scotland)	2006	Mothers in Scotland (N = 1, 752)	43% of mothers in Scotland responded that they ‘never’ smack their child when naughty and 10% said they ‘sometimes did’ when child at age 5. ⁶
Ipsos-MORI Poll (Ipsos-MORI, 2008) (Scotland)	2008	1,000 parents of children aged 0 – 16	5% had smacked their children ‘fairly often’ or ‘sometimes’ in the previous year; 15% had once or twice; and 20% had threatened to smack their child.
National Study of Parents, Children and Discipline in Britain (Ghate et al., 2003) (UK)	1998-2001	1,250 parents of children aged 0-12 years	Almost all parents used non-physical discipline with children up to twelve years old; over half reported using minor physical punishment; and, only one in ten perceived physical punishment to be ‘always acceptable’.

⁴ A prospective longitudinal study launched in 2005 starting with two birth cohorts (2002/03 and 2004/05)

⁵ A prospective longitudinal study following 15,000 children born between 2000 and 2002 in all four UK countries.

⁶ Weighted percentages

3.3 Perceptions of parenting

In the fourth sweep of the Millennium Cohort Study, in Scotland, 3.6% of mothers reported that they felt like ‘not a very good parent’ or were ‘having some trouble’ while 35% felt like an ‘average parent’, 29% said that they felt ‘better than average’ and 32% like a ‘very good parent’ (N = 1553) (Smith, 2010).⁷

3.4 Prevalence of other disciplinary strategies

An Irish survey with parents who had at least one child under 18 found that most parents report using inductive methods⁸; half report using non-aggressive discipline strategies; and that psychologically aggressive strategies⁹ are not used frequently (N = 1,353) (Halpenny et al., 2010). However, while psychologically aggressive strategies were uncommon, around half of parents responded that they had yelled or shouted at a child in the past year (Halpenny et al., 2010). Of non-aggressive discipline strategies, verbal reasoning through calm discussion with a child was adopted by almost all parents. Most pervasive across all categories of strategy in the present study was that involving discussion with a child, implying some degree of communication and verbal reasoning in response to disciplinary incidents. Almost all parents reported using this strategy with their child in the past year and this was with reference to all age groups of children, from early childhood through to late adolescence (Halpenny et al. 2010). Children under five were less likely to be disciplined using verbal reasoning. Other non-aggressive discipline strategies used frequently by parents of children in middle childhood included time out, threatening to ground a child and grounding a child (Halpenny et al., 2010). Time out was most likely to be used for those aged five to nine and grounding was most likely to be used with young people in early adolescence (Halpenny et al., 2010).

In the fourth survey of the Millennium Cohort study, when children were seven, mothers report using a variety of methods to discipline their children including ignoring them, smacking, shouting, sending them to their room or the naughty chair, taking treats away and bribing them (e.g. with sweets) (Smith, 2010). There were differences in methods used between older (aged above 30) and younger (aged below 30) parents. In Scotland, more than half of mothers said that they ignored their children when naughty ‘never’ or ‘rarely’. About half (46%) of mothers said that they told their child off when naughty ‘often’ (Smith, 2010)¹⁰.

⁷ Weighted percentages

⁸ reasoning, reminding children of rules and explaining the impact of children’s behaviour on others

⁹ including shouting, yelling or swearing at a child and threatening

¹⁰ Weighted percentages

In a survey of 1,000 parents of children aged zero to 16 in Scotland, parents were presented with a list of approaches to disciplining children and asked how often they have used each of these with their own child in the past year. Focusing on the proportion of people who say they have used each approach at least sometimes, the most common methods were praise for good behaviour (99%), discussing issues calmly (92%) and giving rewards or treats for good behaviour (91%). A majority of respondents have also sought to discipline their child by shouting or yelling (71%), by taking away something their child valued (55%) or by not paying their child any attention when he/she was throwing a tantrum (52%). However, these approaches were used comparatively less frequently than other forms of discipline (Ipsos MORI, 2008). The methods of discipline that parents regard as most effective are discussing issues calmly (55%) and stopping children from going out or taking away something they value (47%) (Ipsos MORI, 2008).

3.5 Attitudes towards a ban

Scottish research showed that although outright opposition to smacking by parents was relatively rare, so too was a robust defence of smacking (Anderson et al., 2002). Twenty-nine percent of Scottish parents believed that physical punishment was an acceptable way of teaching children right from wrong but the majority (58%) agreed that it wasn't a good thing to do (N = 692). Anderson et al.'s (2002) research with parents in Scotland found that more than half believed it was already illegal to smack a child of any age (N = 692). Overall, attitudinal surveys suggest that while a majority of parents do not view it acceptable or as an effective approach, the majority do not think that it should be prohibited in legislation and it is still adopted as a disciplinary method (see for example Bunting et al., 2008, 2010; Halpenny et al., 2010).

4. Evidence on physical punishment as a parental disciplinary approach

The use of physical punishment has been associated with aggressive behaviour and emotional and behavioural problematic behaviour in childhood and into adolescence/adulthood. Children's reactions to disciplinary strategies are influenced by age and temperament, the broader context of the parent-child relationship and parent factors including younger age, gender, parents' own experience of physical punishment and parental emotional state.

4.1 The use of physical punishment

The use of physical punishment is often used alongside other negative approaches such as yelling. It has been argued that the negative effects attributed to corporal punishment could be attributed to a range of negative parenting approaches (Gershoff, 2002). The

broader context of the parent-child relationship is also important in seeking to establish the impacts of corporal punishment, as research has shown engaging in nurturing activities (reading, listening to music, playing and hugging) is negatively correlated with smacking, although minor in magnitude (Wissow, 2001). Corporal punishment is used primarily with children under five (Straus and Stewart, 1999) and has been found to be used more frequently with younger parents aged under 35 (Halpenny et al., 2010). There is mixed evidence on the influence of gender of the child on the use of physical punishment, with some studies finding that there are no differential effects of gender (Heilmann et al., 2015). Halpenny et al. (2010), in their survey research with parents, found a clear association between beliefs in the effectiveness of physical punishment and parental use of physical punishment in the past year. They also found that parents are more likely to use physical discipline when they were feeling a loss of control over a child and feeling stressed and tired (Halpenny et al., 2010). Socolar et al.'s (1999) study also found that smacking typically occurred as a secondary response only when a primary response had failed and where parental anger was likely to be exacerbated. Where physical punishment is used, an Irish survey found that the majority of parents reported using less severe forms of physical punishment such as smacking a child on the bottom, hand or leg (Halpenny et al., 2010). Bunting et al. (2010), in a literature review of UK surveys on parent attitudes, note that parental/public opinion is less than straightforward, with parents often ambivalent about physical discipline and not viewing it as an optimal method of behaviour management.

4.2 Effectiveness

In 2015, a systematic review of the evidence on physical punishment¹¹ of children aimed to update the findings of a review of the evidence carried out in Northern Ireland in 2008 (see Bunting et al., 2008). Heilmann et al.'s (2015) review summarises the evidence on prevalence of/attitudes towards different types of parental physical punishment; outcomes of physical punishment for child health and development and later-life health and wellbeing; and whether parental use of physical punishment is related to an increased risk of child maltreatment. Their evidence review concentrates on physical punishment only, rather than other disciplinary approaches. The key findings of the systematic review in relation to effectiveness and outcomes of physical punishment, based on a review of 74 longitudinal studies and two review articles conducted since 2005, include that physical punishment is associated with increased childhood aggression and antisocial behaviour,

¹¹ The scope of Heilmann et al.'s (2015) review included evidence from OECD countries published in English between 2005 and 2015. The review excluded articles that focused exclusively on child abuse or maltreatment, articles that explicitly included forms of abuse or maltreatment in their definition of physical punishment, and articles that did not differentiate between verbal and physical punishment. It also excluded articles on physical punishment by persons other than parents/adults living with the child, and articles that had already been included in the Northern Irish review.

affects children's emotional and mental health and is related to an increased risk of child maltreatment.

Research has shown that the use of corporal punishment is an ineffective disciplinary approach as it does not reduce or prevent undesired behaviours in children (Gershoff, 2013). Gershoff (2013) writes that the main reason it is an ineffective approach is that it does not adhere to conditions that behaviourists say must exist for discipline to be effective: that it should be immediate, consistent and delivered after every instance of behaviour requiring discipline.

A meta-analytic review of studies, on parental corporal punishment of children, principally from the U.S., concluded that immediate compliance was the only positive short-term outcome (Gershoff, 2002). However, in research carried out comparing the impacts on compliance of smacking and giving time-outs (Roberts and Powers, 1990), smacking was not found to be more effective than time-outs for increasing immediate compliance (cited by Gershoff, 2013).

There is a strong connection between parent emotional state and the use of physical discipline, with both maternal anger and parental frustration/aggravation having been found to be predictive of parental smacking (Bunting et al., 2010)¹². Ghate et al.'s (2003)¹³ UK survey research found significant differences between smackers and non-smackers, with smackers more than twice as likely to attribute negative intentions to their child, more likely to be in a 'bad mood' beforehand and also much more likely to report a negative aftermath for both themselves and the child. In analysis of data from the first four sweeps (2005/2006 to 2008/2009) of the 'child cohort' of the Growing up in Scotland longitudinal study, it was found that belief in the efficacy of smacking at age three by the child's main carer was associated with conduct problems (Wilson et al., 2013).

A key consideration when examining outcomes of authoritarian styles of discipline, such as physical punishment, is the need to consider whether the effect of a harsh disciplinary strategy may vary depending on whether it is delivered within the context of a warm or a rejecting relationship between parent and child. In Heilmann et al.'s (2015) review of evidence on the use of physical punishment, specifically examining eight studies on the role of maternal warmth and responsiveness, three studies found less adverse effects of physical punishment on problem behaviour in the presence of high levels of maternal warmth, while five studies reported that maternal warmth did not mitigate the detrimental effects of physical punishment.

¹² Study does not differentiate between different types of physical discipline.

¹³ Ghate et al.'s (2003) UK survey research with parents differentiates between minor, severe and very severe physical discipline: the majority of parents reporting having (only?) ever used minor physical discipline.

The context of the behaviour also affects the effectiveness of the approach and outcomes; for example, if used in a risk situation (for example where a child is in danger) as opposed to being used as a last resort/in moment of anger. As well as the context of the parent-child relationship, children's reactions to disciplinary strategies are influenced by gender, age and temperament (Holden, 2002). Negative outcomes of discipline are also mediated by age, frequency of discipline, ethnic, religion and cultural factors (Holden, 2002).

4.3 Impacts

The use of corporal punishment has been associated with aggressive behaviour and emotional and behavioural problematic behaviour in childhood and into adolescence/adulthood. Gershoff (2002) does not recommend the use of the word outcomes as she argues that the studies examined in her meta-analysis¹⁴ cannot support causal conclusions. The key negative behaviours and experiences associated significantly with corporal punishment are decreased moral internalisation; increased child aggression; increased child delinquent and anti-social behaviour; decreased quality of the parent-child relationship; decreased child mental health; increased risk of abuse; increased adult aggression; increased adult criminal and anti-social behaviour; decreased adult mental health; and increased risk of abusing own child/spouse (Gershoff, 2002). Gershoff's (2002) meta-analysis has been criticised for including studies of severe corporal punishment (Baumrind et al., 2002). In Heilmann et al.'s (2015, p. 8) systematic review of the evidence on physical punishment, the researchers concluded that physical punishment is related to an increased risk of child maltreatment as physical punishment and physical abuse are part of 'a continuum of violence'.

A literature review of 20 years of research on the outcomes of physical punishment found it was associated with high levels of aggression against parents, siblings, peers and spouses even when controlling for confounding variables such as parental stress and socio-economic status (Durrant, 2012). Whilst research has been limited in determining the direction of association between aggression and physical punishment, recent research has evidenced that physical punishment elicits aggression (Durrant, 2012).

A research study with children aged between five and seven found the majority thought smacking was wrong, with reasons given that it hurts, people do it too hard or parents could do something else (Willow and Hyder, 1998). As children experience fear, sadness and pain from being smacked, this prevents their ability to internalise parents' disciplinary messages (Grusec and Goodnow, 1994). Research with children, aged six to

¹⁴ For the purposes of her review, Gershoff (2002, p. 4) adopts Straus's (1994) definition of corporal punishment as "Corporal punishment is the use of physical force with the intention of causing a child to experience pain but not injury for the purposes of correction or control of the child's behaviour". Gershoff (2002) differentiates corporal punishment from physical abuse in her meta-analytic review.

seventeen, has shown they draw clear distinctions between different forms of physical discipline such as a smack or light tap and a slap causing an injury or leaving a mark (Nixon and Halpenny, 2010). A slap causing an injury or leaving a mark was deemed unacceptable by children (Nixon and Halpenny, 2010).

In findings from a survey of the disciplinary practices and attitudes of 1,000 parents in Northern Ireland, a quarter reported that physical discipline always or frequently led to physical injury; a third thought long-term emotional upset for the child was always or frequently an outcome; and 36% perceived physical discipline as frequently or always resulting in increased child aggression (Bunting et al. 2010). Ghate et al. (2003) found that in the immediate aftermath of conflict incidents, both parents and children were more likely to feel distressed when physical punishment has been used, and that children who were physically punished were also more likely react with an 'escalation' response, becoming aggressive or behaving even more badly.

Using data from the Growing Up in Scotland Prospective Study, Scott et al. (2014) explore the relationship between main parental caregiver use of smacking and emotional and behavioural problems in childhood in a cohort of children, free of such problems at baseline. They found the behaviour of smacked children was twice as likely to be assessed as problematic by their main caregiver as the behaviour of children who were not smacked (Scott et al., 2014). Also, 13.4% of smacked children had abnormal scores on emotional and behavioural problem scoring by parents in comparison to 5.9% of children who had never been smacked. This study does not take account of heterogeneity in terms of frequency and severity within the smacked group and therefore does not differentiate between the impacts of more severe physical discipline and less frequent and less severe physical discipline. In comparison, Parkes et al.'s (2014) study, also utilising the Growing Up in Scotland data, did not find an independent association between parent-reported smacking and child behavioural and emotional difficulties. They state that this could have been due to differences in the wording of questions about smacking between the current sweep of the Growing Up in Scotland Study and the previous sweeps and also that perhaps smacking was relatively unimportant for seven-year-olds, compared to overall levels of parent-child conflict.

The use of physical punishment often occurs within the context of relationships between the child and parent that lack warmth and understanding. Studies show that the use of corporal punishment as a disciplinary approach leads to a poorer quality parent-child relationship (Gershoff, 2002). Nixon and Halpenny (2010) conducted a qualitative study in Ireland with six- to 17-year-olds, which points to negative emotional outcomes of physical punishment. The key argument against parental use of physical punishment was that it did not involve parent-child communication and therefore children were less likely to learn from the disciplinary encounter (Nixon & Halpenny, 2010).

Long-term impacts

Studies have evidenced longer-term negative outcomes for children and young people who have experienced parental corporal punishment, for example: increased adult aggression and anti-social behaviour; decreased adult mental health; and increased risk of abusing own child or spouse (Gershoff, 2002). A Finnish cross-sectional research study examining the relationship between physical punishment in childhood and outcomes in adulthood found respondents who had been exposed to higher amounts of physical punishment than average scored significantly higher on alcohol abuse, depression and mental health problems (Österman et al., 2014).

In an updated meta-analytic review of longitudinal studies, Ferguson (2013) examines the relationship between spanking and corporal punishment on externalising and internalising behaviour problems and on cognitive ability¹⁵. Overall, it is concluded that when sophisticated and well-controlled longitudinal designs are employed, results indicate a trivial to very small significant relationship between spanking and negative long-term outcomes. Ferguson (2013) notes that it is worth emphasising that spanking and corporal punishment do appear to be significantly associated with small increases in negative outcomes. Results suggest that for both spanking and corporal punishment, effects worsen for older children (Ferguson, 2013).

5. Evidence about other forms of discipline

Authoritarian approaches to discipline (high-control, low-responsive) are associated with negative outcomes. The evidence on the impacts of authoritative approaches (high-control, high-responsive) suggests there are largely positive outcomes leading to more competent and well-adjusted children. Inductive discipline methods utilising reasoning are effective in terms of promoting children's internalisation of moral and social values.

5.1 Authoritarian (high control, low responsive)

Authoritarian approaches to discipline are characterised by the use of physical punishment, harsh parental criticism and withdrawal of privileges. They are associated with self-orientation, low self-esteem, negative attitudes, aggression, low peer acceptance, low sociability-competence and poorer academic achievement (Smith, 2005). Coercive practices have been associated with adverse child outcomes including internalising problems, low self-esteem, low agency, emulation of parents' coercive behaviour and reactions of aggression (Smith, 2005). Arbitrary discipline is often connected with an authoritarian style.

¹⁵ Forty-five studies published between 1975 and 2010 met the inclusion criteria.

Research also suggests longer-term negative outcomes of authoritarian parenting versus positive outcomes (more competent and well-adjusted) of authoritative parenting in adolescence (Baumrind et al., 2010). Relatedly, research has demonstrated negative effects of parental criticism on the warmth of the parent-child relationship and a US study demonstrated that yelling can be just as harmful as hitting for adolescent children by having impacts on behaviour and fostering anger and irritability in adolescents (Wang and Kenny, 2014). Empirical research on harsh parenting has evidenced its association with aggression and affected emotion regulation.

Chang et al. (2003) write that as well as banning smacking, more work is also needed to deal with parents' negative emotions such as anger as their research showed that parental harshness can have a negative impact on children's ability to regulate emotion. Parents of children under 12 who describe their relationship with their child as more critical or hostile, or less warm and involved, are more likely to endorse and use harsh punishment (Ghate et al., 2003).

Harsh verbal punishment has been found to have negative outcomes for children; for example, in a Canadian study with 10-year-olds it was found that parental verbal aggression was associated with lowering children's self-esteem and school achievements (Solomon and Serres, 1999). Baumrind's (1991a) research found that physical punishment was not associated with more negative outcomes than verbal punishment¹⁶ although both are associated with negative developmental outcomes. Verbal punishment is associated negatively with competence and positively with problem behaviour (Baumrind, 1991a).

5.2 Permissive parenting

Permissive parenting styles involve a lack of monitoring and control of children's behaviour. Permissive parenting is associated with a lack of structure and lack of reinforcement, with long-term negative impacts into adolescence regarding lack of competence (Baumrind et al., 2010). Outcomes of permissive parenting are less negative than authoritarian parenting, but less positive than authoritative parenting (Baumrind et al., 2010).

5.3 Authoritative (high control, high-responsive)

Authoritative parenting is characterised by high levels of maturity expression, supervision, disciplinary efforts and sensitivity to and support for a child's needs (see Figure 1 for a summary of characteristics identified as representing effective authoritative parenting styles) (Morrison Gutman et al., 2009). Authoritative parenting tends to be

¹⁶ Verbal punishment defined as a) Parent yells or shouts, b) Parent belittles the child by the use of sarcasm, and c) Parent engages in nattering (pointless and disapproving chatter).

concerned with explaining rules and helping children to understand them, being flexible and having clear boundaries. The Institute of Education found that traditional authoritative parenting, combining high expectations of behaviour with warmth and sensitivity, leads to more competent and well-adjusted children (Morrison Gutman et al., 2009). Authoritative parenting is associated with more prosocial and adaptive children's behaviour than authoritarian parenting.

Most researchers have concluded that inductive discipline, defined as reasoning practices involving reminding children of rules and explaining the impact of their behaviour on others, has been found to be more effective in terms of promoting children's internalisation (see Kerr et al., 2004 for overview of studies). Children's internalisation of behaviour and resultant social-emotional competence are thought to be enhanced by parental discipline strategies that use minimal parental power, promote choice and autonomy, and provide explanations for desirable behaviours (Gershoff, 2002).

Blum et al. (1995) reviewed studies that researched the use of verbal communication (e.g. verbal warnings/instructions and reasoning) to alter the behaviours of toddlers and pre-school children. They found that research on the use of reasoning or verbal explanations for young children had mixed results, whereas it was shown to benefit children over six. The use of reasoning had positive effects for younger children when it was used in the context of an authoritative parenting style characterised by setting clear expectations and open communication. The studies reviewed also suggested that the use of verbal warnings and instructions were largely ineffective in reducing problem behaviours (Blum et al., 1995). In terms of outcomes, inductive authoritative approaches to parental discipline are associated negatively with emotional and behavioural problems in children and positively with healthy adjustment (Kaufmann, 2000) and associated with a range of later positive child outcomes such as more effective social skills and school success (Baumrind, 1991b; Baumrind et al., 2010).

The use of 'time-out' as a disciplinary practice has been posited to be concurrent with the principles of an authoritative parenting style when it is both used within the context of a positive parent-child relationship and with other authoritative practices. The positive relationship is central as the effectiveness of time-out is based on the contrast between the time-out environment and the time-in environment, and the time-out strategy can often be misused (Morawska and Sanders, 2011). The effectiveness of time-out is associated with an approach that is clear and consistent. Research has evidenced that time-out can be an effective strategy across age groups but strategies need to be adapted to the age and developmental stage of the child (Crespi 1988; Jones and Downing 1991 cited in Morawska and Sanders, 2011). Other studies have concluded that guidance strategies based on understanding the child's behaviour are more effective than time-out strategies (Morawska and Sanders, 2011).

Figure 1: Characteristics identified as representing effective authoritative styles

- Parent responsiveness promoting in children a sense of security that contributes to their mental health, autonomy and prosocial behaviours.
- Consistent reinforcement of appropriate pro-social behaviour.
- Clear communication of expectations, particularly regarding rules and limits, leading to children's internalisation of rules and behaviours.
- Research evidences that using child-centred and relationship-centred goals for children's behaviour is more effective than using parent-centred goals.
- The wider context of relationship between parent/child and the importance of children being able to internalise messages from discipline identified as crucial.
- Parental support, structure, and guidance are essential elements of parenting toddlers.

(see Smith, 2005; Halpenny et al., 2010)

5.4 Changing disciplinary practices

Research has shown that parents who are most in need of parenting support services are often the least likely to access them (Utting, 2007). Durrant (2012) writes that there is considerable evidence that providing support and education to parents can reduce their use of physical punishment. Referencing behaviourally based programmes – where parents are taught to observe their child's behaviour, communicate clearly and apply contingent consequences – studies have shown that these impact positively on the efficacy and psychological health of parents as well as on children's behaviour (Dretzke et al., 2009 and McCart et al., 2006 cited in Durrant, 2012).

Taylor and Redman (2003), writing in the Scottish context, state that there is a lack of literature about what health care professionals actually do when working with parents regarding disciplinary approaches and alternatives to smacking. They write that it is difficult to find 'explicit directives' about health care professionals' position on smacking, and that attitudes of health care professionals on the issue of smacking children are mixed (Taylor and Redman, 2003, p. 314). Research with health care professionals has conveyed some concern that telling parents what disciplinary approach to use may be seen as an intrusion into family life. On the other hand, some see it as their role to safeguard their client and thus smacking should be opposed.

Existing research concludes that differences in child temperament as well as other factors evidence that flexible and adaptive parenting is more likely to be successful than a 'one size fits all approach' (Utting, 2007). The National Society for the Prevention of Cruelty

to Children (NSPCC) (2013) booklet provides practical disciplinary approaches for children at different stages of development. In the provision of positive discipline ‘tips’ for toddlers it recommends having clear simple rules and routines; acknowledging feelings (i.e. ‘I know you’re angry’); praising good behaviour; and trying to ignore bad behaviour, as this may more likely not be repeated. The booklet also provides examples of when smacking is used by parents and rejects this as an effective approach in those situations while highlighting the negative consequences of smacking.

The NSPCC (2013) defines positive parenting and positive discipline as “techniques that work well with every child, regardless of their age, temperament, background, culture or tradition”. It advocates an approach characterised by: clear limits which are fair and age appropriate; avoiding harsh punishments like smacking or shouting excessively; listening to a child’s views and negotiating solutions to problems together; praising positive behaviour in children; and creating a good relationship with a child through showing love and affection.

6. Research with children

An Irish study involved focus group research with children aged six to 17 undertaken to explore their views on effective parental discipline (Nixon & Halpenny, 2010). Younger children highlighted the use of more positive discipline strategies; for example, receiving treats to reinforce more positive behaviours. Inductive discipline strategies were mentioned more by the older age groups who emphasised the benefits of communicating clearly with children (Nixon and Halpenny, 2010). Younger children showed less understanding of why physical punishment was being used than the older groups. Children perceived the effectiveness of disciplinary strategies to vary with age. As children get older, it was largely perceived that less guidance was needed as rules and standards were more likely to have been internalised in comparison to younger children (Nixon and Halpenny, 2010).

This research concludes on four principles underpinning effective discipline:

- (1) Loss of privilege (for example pocket money) and grounding were viewed with some consensus to be the most effective discipline strategy by children. Being grounded was seen as more effective than the short-lived impacts of physical discipline.
- (2) Instructional value through affording the child the opportunity to learn about the consequences of their behaviour was seen as important across both the younger and older age groups. For many of the older children, disciplinary strategies providing instructional value were seen to be more effective than physical discipline.

- (3) Consistency in implementation of disciplinary approaches and following through was seen as crucial across all age groups.
- (4) Lastly, the concept of fairness in relation to the connection of the punishment to the act was important to children regarding how effective an approach would be. (Nixon and Halpenny, 2010, p. 56).

7. Changing parental disciplinary practices – examples across jurisdictions

Physical punishment legislation has been widely accepted in the countries in which it has been introduced. The available evidence suggests that legal reform needs to go hand-in-hand with public education on positive disciplinary methods and evidence across Europe suggests that supportive public opinion has not been a prerequisite for legislating against physical punishment.

7.1 Overview

The Council of Europe (2006) CM/Recommendation 19 on policy to support positive parenting encourages member states to recognise the importance of parental responsibilities and the need to provide parents with sufficient support in bringing up their children, including through educating parents regarding good parenting skills. The Council of Europe (2008) advocates that prosecution of parents and other formal interventions should be reserved for serious cases only. A campaign to end corporal punishment across Europe entitled ‘Raise your hands against smacking’ was introduced in 2008 by the Council of Europe, which advocates that positive parenting programmes be set up by governments. The Council of Europe states that it is currently developing ‘a repository of educational and awareness raising tools promoting non-violent parenting’ alongside the European Commission, the aim of which is to provide evidence on good practice (i.e. with audio-visual tools, campaign material). Annex 3 provides a list of useful online resources on campaigns.

Anderson et al.’s (2002) research in Scotland found that parents were more concerned with legislative changes reducing their rights as parents to choose discipline methods, and less concerned about children’s rights issues (the starting point for most anti-smacking arguments). They stated: ‘The research suggests a tension between heightened expectations about parenting and reducing parental control without offering positive supports’ (Anderson et al., 2002, p. vi). For this reason, they state, that any legislation needs to be explained in a way which acknowledges the difficulties and pressures faced by parents and situates issues of discipline in a broader context.

A survey of about 11,000 adults from 14 European Union countries has shown that the existence of national laws banning physical punishment of children is associated with lower levels of acceptability of physical punishment within the population (Gracia and

Herrero, 2008). Smith (2005) writes that in most countries that have introduced legislation banning corporal punishment, the legislation has been accompanied by information campaigns (Durrant, 1999). In the countries that have legislated against the use of physical punishment, wide-scale public support for reform prior to a ban has not been a prerequisite (Boyson and Thorpe, 2002). Only in Finland was there a majority in favour of reform before the law was changed (Boyson and Thorpe, 2002). Roberts (2000) advocates that changing public attitudes is key to lessening the use of physical discipline, as prohibition in law may have little impact in countries where attitudes towards corporal punishment have already changed – as evidenced in countries where there has been a decline in public support for corporal punishment before legal reform.

A study examining the effects of banning corporal punishment in Europe, comparing five countries (Sweden, Austria and Germany, which have prohibited corporal punishment, and France and Spain, which have not), involved interviewing 1,000 parents in each country about their use of and attitudes towards corporal punishment (Bussmann, 2009). Acceptance of justifications for corporal punishment was less by parents in nations where corporal punishment was prohibited at the time of the study. Bussmann's (2009) comparative research sought to investigate to what extent information and education campaigns may contribute to reducing corporal punishment, through comparing Germany (where the ban came into force in 2000 and was accompanied by a campaign) and Austria (where the ban came into force in 1989 and was not accompanied by a nationwide campaign). He found that in Austria and Germany respectively, 32% and 31% of parents were aware of the law on prohibiting physical punishment. This compares with 90% of Swedish parents. Bussmann (2009) writes that this would suggest a need for intensive and continuous campaigns on the risks of parental corporal punishment and alternative discipline practices, as has been undertaken in Sweden. This study concludes that law reform needs to be accompanied by intensive and long-term information campaigns to have the strongest impact.

7.2 Case studies

This section will provide case studies of three jurisdictions regarding their legislative approach to parental physical punishment, examining their respective approaches to raising awareness of parenting disciplinary styles; how successful these initiatives/campaigns were; acceptance by parents of the change in legislation; changes in attitudes pre- and post-ban; the effectiveness of public education programmes; and issues with enforcement.

7.2.1 Sweden

Sweden was the first country to prohibit physical punishment in 1979 and as such has had the most research evaluating impacts of the ban. The goal of Sweden's ban was to alter

public attitudes towards corporal punishment; to establish a clear framework for education and support of parents; and to have an approach based on earlier identification rather than earlier intervention (Council of Europe, 2008). The legislation prohibiting physical punishment in Sweden took place within a broader context of supporting the legal recognition of children's rights (Durrant and Olsen, 1997).

Legislation

In 1979, the following paragraph was added to Sweden's Children's and Parents' Code: "Children are entitled to care, security and a good upbringing. Children are to be treated with respect for their person and individuality and may not be subjected to physical punishment or other injurious or humiliating treatment" (Durrant, 1999, p. 436). As it was written into the Parents' Code, rather than the Penal Code, it did not include criminal penalties (Durrant, 1999).

Raising Awareness

The 1979 change in legislation was accompanied by the national distribution of a 16-page public education booklet. As well as this, information about the change in law was printed on milk cartons for two months so that families could discuss the issue (Durrant, 1999). Sweden has continued to raise awareness through the use of ongoing campaigns for example led by Save the Children Sweden (2001), in order to raise awareness of the negative outcomes of corporal punishment and that its use is against the law.

Impacts

In 1981, two years after the ban, accompanied by a wide-scale campaign, more than 90 percent of Swedish families were aware that the law had changed (Modig, 2014). The number of children who have experienced smacking has declined dramatically to just a few percent after 2000 (Modig, 2014). There has been an increase in reporting of assaults towards children, attributed to an increased sensitivity to violence against children in Sweden, but there has been a declining trend in prosecutions of parents (Council of Europe, 2008).

Durrant (1999) evaluated the impacts of the Swedish ban on corporal punishment 20 years after its introduction, finding that public support for physical punishment had declined; social interventions had become both supportive and preventative; and prosecution rates had remained steady. However, much of this evidence has been in Swedish, and Larzelere (2005) argues it can be subject to differing interpretations. Durrant (1999) advocated that the ban in Sweden had been successful, whereas Larzelere argues that no firm conclusions can be drawn, arguing there is no evidence that the smacking ban has impacted on Swedish rates of child abuse. Nevertheless, there has been a big reduction in the use of and support of physical punishment in Sweden; according to

cross-comparative studies between countries (i.e. between Sweden and the US, where smacking is not illegal).

7.2.2 New Zealand

New Zealand is the only common-law country to ban physical punishment and therefore provides a useful illustration of the reform process (Naylor and Saunders, 2012).

Legislation

New Zealand is an interesting and recent example of legislation to prohibit physical punishment and the only example in an English-speaking country, thus there is a wealth of relevant literature. In 2007 New Zealand abolished ‘the use of parental force for the purpose of correction’. The Crimes (Substituted Section 59) Amendment Act 2007 repeals the legal defence for the use of reasonable force “by way of correction” in section 59 of the Crimes Act 1961. The Act (s1) states that a parent or guardian is still justified in the use of reasonable force for the purposes of protection from danger or prevention of damage to people or property, with a clear statement that nothing in subsection one ‘justifies the use of force for the purpose of correction’. The Committee on the Rights of the Child (2011) specifically recommended that the New Zealand government heighten public awareness about (s1) of the Crimes Act and continue to promote positive and non-violent form of discipline. The law makes it clear that the police have discretion not to refer complaints to prosecutors if an offence is considered inconsequential and there is no public interest to prosecute (Durrant, 2007).

Raising Awareness

Alongside the 2007 legislation a campaign was launched by the Prime Minister to prevent family violence, which aimed to change community attitudes towards family violence (including violence towards children) and to support communities in taking action against it (Lawrence and Smith, 2009). The campaign included media advertising, a website and resource development as well as research and evaluation to measure its impact. Smith (2005) writes that in New Zealand there has been a resistance to the importation of overseas parent education programmes developed in a different cultural context. There has been no government-led campaign to inform the public about the provisions of the 2007 law.

The Office of the Children’s Commissioner (2008a) published a book of information and suggestions for parents on non-physical disciplinary strategies. The book advocated positive disciplinary techniques based on guidance rather than punishment and provided a set of principles for positive parenting and related techniques for encouraging good behaviour (i.e. providing positive attention through saying positive things, linking good behaviour and enjoyable activities, and disapproval of the behaviour rather than the

child). (Office of the Children's Commissioner, 2008a). The book also includes a section describing common behaviours at different stages of development and suggestions for responding to these behaviours; a summary of the legislation banning smacking; and contacts for help.

Impact

The Crimes (Substituted Section 59) Amendment Act 2007 received a mixed response from New Zealand citizens, which led to a citizen-led petition for a referendum on the Act (Office of the Children's Commissioner, 2008b). The referendum, held in 2009, asked 'Should a smack as part of good parental correction be a criminal offence in New Zealand?' The vast majority (87%) voted no (with just over a 50% voter turnout). The referendum question was criticised for being confusing and the results did not lead to a reversal of the law. Despite this, survey research has shown a decrease in the number of parents reporting smacking since the legislation and a change in attitudes towards adopting physical punishment as a discipline method. Following the referendum, the government agreed to several measures to 'give parents comfort that they would not be criminalised', including a review of New Zealand Police and Child, Youth and Family (social work) policies and procedures (Broad et al., 2009).

Following the law change in 2007, the police regularly reported on how the law was being administered. Six-monthly reviews were carried out to monitor the enactment of the Amendment Act, collating information on calls to the police specifically about child assaults involving smacking. The police classified the cases they reviewed as: smacking¹⁷, minor act of physical discipline¹⁸ and child assault¹⁹.

In 2012 the eleventh and final review of the Act, covering a six-month period, stated that there had been eight prosecutions for smacking since the review process began after the enactment of the Act in 2007 (New Zealand Police, 2013). It also reported that there had been a decrease in the number of events attended by the police in this review period. Of the 355 child assault events attended by the police in this review period, which was fewer than in the previous reviews, 12 pertained to smacking events (none of which resulted in prosecution) and 31 to minor acts of physical discipline (nine of which resulted in prosecution)²⁰. The vast majority of events were therefore a smack that resulted in injury (child assault). According to electronic file records, none of those prosecuted stated that

¹⁷ Smacking defined as a slap with the open hand on the buttocks or legs that does not result in any form of injury (New Zealand Police, 2013).

¹⁸ Minor Act of Physical Discipline defined as a slap with the open hand on any other part of the body (including the face) that does not result in any form of injury (New Zealand Police, 2013).

¹⁹ Child assault defined as any form of assault (from a slap with the open hand to being hit with an instrument) that results in injury (including redness to the skin and bruising) (New Zealand Police, 2013).

²⁰ See New Zealand Police (2013) for details of individual prosecutions.

the force used was reasonable for the circumstances. Of the 252 child assault events, 133 resulted in prosecution. The smacking and minor acts of physical incidents were referred for a range of interventions: Child, Youth and Family Social Work; inter-agency case management meeting and other support agencies (New Zealand Police, 2013). A recommendation from the review of New Zealand Police policy and procedures relating to the Act included the development of child safety pamphlets to be distributed when police attend an incident involving child safety, which provided a number for parents to contact with questions about a police visit or about child safety (New Zealand Police, 2010).

The New Zealand Government commissioned a review of New Zealand Police and Child, Youth and Family Social Work policies and procedures and the referral procedures between the two agencies relating to the Crimes (Substituted Section 59) Amendment Act 2007 (Broad et al., 2009). A number of cases were examined, including cases where it was reported that family members were inappropriately investigated or prosecuted as a result of the Act. The review found that New Zealand Police and Child, Youth and Family Social Work responded ‘appropriately and fairly to the child safety concerns that were raised’ (Broad et al., 2009, p. 3). They also concluded that it was made clear in both police and social work’s policies and procedures that they were legally required to apply the law. Interviews with police officers and social workers conducted as part of the review found that the change in law had not altered the way they thought about or responded to concerns about child safety and wellbeing. The report made three chief recommendations in relation to demonstrating to parents ‘that they will not be criminalised or unduly investigated for lightly smacking their children’ (Broad et al., 2009, p. 3). Firstly, they recommended *greater transparency* for parents through the police and social work, providing families with specific information on what to expect and what their rights were. Secondly, they recommended *better support for parents* through the creation of a parent support helpline where families could get information from Child, Youth and Family Social Work. Thirdly, they recommended *improved monitoring* of the application of the Act in practice (Broad et al., 2009).

A year after the Act, the Children’s Commissioner (2008) commissioned survey research on attitudes over time regarding physical discipline and public knowledge of, and attitudes towards, the law. The survey found that about half of the respondents supported the law; just more than a quarter opposed it; and the remainder were neutral. Women were more in support of the law change than men. In relation to awareness of the 2007 Act Amendment, the majority of respondents (91%) were aware of the change in law. Respondents were asked twice whether children should be entitled to the same protection from assaults as adults – at the beginning of the survey and then later after they had been given information about the new law – and there was no change in response (Children’s Commissioner, 2008) The study’s conclusions include that in order to promote positive

non-violent discipline, the perception that there is a conflict between children's rights and parents' autonomy should be addressed. This is an important conclusion given surveys have found that parents' non-support of prohibition of physical discipline is often linked to a belief that it should be a parental choice. In 2013, a prevalence survey was undertaken with 750 adults in New Zealand, which found the vast majority of respondents (93%) were aware of the law reform prohibiting all forms of corporal punishment (Wood, 2013).

7.2.3 Germany

Legislation

Legislation banning the use of physical punishment in Germany was introduced to give parents new guidelines on how to behave towards their children (Bussmann, 2004). Germany prohibited the use of corporal punishment in the home in 2000 through introducing into its civil code a comprehensive ban on physical punishment by parents: 'Children have a right to a non-violent upbringing. Corporal punishment, psychological injuries and other degrading measures are impermissible' (Civil Law, 2000 cited in Bussman, 2004, p. 2). Germany also amended the Child Care Law, which imposed a duty on local authorities to 'promote ways in which families can resolve conflict without resort to force' (cited in Boyson and Thorpe, 2002, p. 54). The introduction of the ban in German civil code means that physically punishing one's own child is a criminal offence. There are consequences regarding civil law as well, according to legal opinion, as the ban has introduced into civil law the idea of 'a non-violent upbringing', which impacts on judicial decision-making regarding child's care and custody (Bussmann, 2004).

Raising Awareness

Three strategies were employed to raise awareness of the physical punishment ban in 2000: nationwide media campaigning; local family welfare organisational campaigning; and research of publicity campaigns (Bussmann, 2011).

While Germany's legislation has been commended for its clarity, the communication of the change in law has been criticised. Although there was a €2.5 million publicity campaign on television and in the press, and education materials were created, only approximately 25-30% of parents and young people noticed the legal turn. The main reason given for this was a lack of sufficient reporting in the media (Bussmann, 2004). The main part of the campaign, titled 'More Respect for Children', comprised posters and leaflets showing images of children with red marks on their faces and shoulders and the text 'the pain fades but the hurt remains' (cited in Boyson and Thorpe, 2002). These leaflets were made available in health clinics and other public places.

Impacts

Bussmann (2004) conducted a longitudinal pre-/post- study of the effects of the ban on corporal punishment, comparing surveys with parents (across five years) and with 12-18-year-olds (across 10 years) post-ban with studies from the nineties. In a 2001 survey of parents, 26% with a 'violence-prone' style of parenting knew about the reform compared to 32% of parents with a 'conventional' style of parenting. This finding has implications in terms of publicity about law reform and also about raising awareness of alternative disciplinary approaches that are accessible and directed purposively to parents.

A comparison of the surveys evidenced a decrease in parents reporting having ever giving their child 'slight slaps' from 72% in 1996 to 59% in 2001, (Bussmann, 2004). Significantly, there was not found to have been a significant increase in the use of other disciplinary sanctions, psychological or prohibitions, during the same period. There was a minimal change in attitudes towards justifications for corporal punishment between the surveys.

A comparison of the adolescent surveys between 1992 and 2002 evidenced a decrease in the reporting of the experience of 'a light slap across the face' from 81% to 69%. During the same period, forms of non-physical child discipline were found to have increased slightly; for example, those reporting the use of the method 'not talking to the child' increased from 37% to 44% and those reporting the method 'bellowing at the child' increased from 52% to 57%. In 2005, Bussmann concluded that the 'law had attained its goal', with 76% of parents reporting wanting to avoid using corporal punishments like slaps on the face in comparison to 67% in 2001 (cited in Naylor and Saunders, 2012).

Criminal prosecution of parents for hitting their children is unlikely and must be found to be in the public interest (Bussmann, 2011 cited in Naylor and Saunders, 2012). Fines have occasionally been used. There are two obstacles to prosecution: the victim (the child or the child's representative) must make the complaint, and the child's parent must grant the child consent to make the complaint.

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Annex 1: The law in Scotland in relation to parental responsibilities and rights and discipline

The law in relation to parental responsibilities and rights and discipline is dealt with in civil law and criminal law:

- Children (Scotland) Act 1995, Part 1 Parental Responsibilities and Rights (S2 (1))
- Criminal Justice (Scotland) Act 2003, S51
- Children's Hearings (Scotland) Act 2011

Scots law gives parents the right to discipline a child. In the CSA 1995 (S2 (1)), it is stated that a parent has the right 'to control, direct or guide the child's upbringing in a manner appropriate to the child's stage of development'. Regarding discipline, a parent has the right to control a child (CSA, 1995, S2 (1) (B)). However, if a parent physically ill-treats a child, the child can be made subject to a Compulsory Supervision Order under the CHS Act 2011.

In Scotland, 'justifiable assault' of children is lawful under the Criminal Justice (Scotland) Act 2003, with section 51 defining blows to the head, shaking and use of implements as 'unjustifiable'. The law states that in order to determine whether what was done was a justifiable assault, the court must consider the following: (a) the nature of what was done, the reason for it and the circumstances in which it took place; (b) its duration and frequency; (c) any effect (whether physical or mental) which it has been shown to have had on the child; (d) the child's age; and (e) the child's personal characteristics.

Annex 2: International Conventions

At a European level, the European Convention on Human Rights (ECHR) does not explicitly prohibit physical punishment of children. The Council of Europe Strategy for the Rights of the Child 2012-2015 promotes the effective elimination of violent discipline and corporal punishment across all settings including within the family (COE, 2012). The European Social Charter's Article 17 requires states to protect children from all forms of ill-treatment. The European Committee of Social Rights (ECSR), the monitoring body of the Charter, has interpreted this article as requiring a prohibition in legislation against any form of violence against children, including corporal punishment in all settings (home, school, etc.) (COE, 2014). The European Court of Human Rights has challenged the concept of 'reasonable chastisement' by parents (COE, 2008).

The United Nations Convention on the Rights of the Child (article 19) states: 'Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child'. In the UNCRC (2008) concluding observations to the UK, concerns were expressed that the 'reasonable chastisement' defence had not been removed, emphasising that any defence in cases of corporal punishment of children does not comply with the UNCRC principles.

Annex 3: Useful resources

- Council of Europe's Positive Parenting Campaign
http://www.coe.int/t/dg3/children/corporalpunishment/pdf/PositiveParentingBrochure_en.pdf
- Global Initiative to End All Corporal Punishment of Children website
Positive Discipline resources for the promotion of non-physical discipline among parents
<http://www.endcorporalpunishment.org/implementation/positive-discipline-resources/summary-resources-for-parents/>
- The National Society for the Prevention of Cruelty to Children
Encouraging Better Behaviour: A Practical Guide to Positive Parenting
<http://www.nspcc.org.uk/globalassets/documents/advice-and-info/encouraging-better-behaviour.pdf>
- Northern Ireland booklet on positive parenting strategies
Top Tips for Parents – your guide to positive parenting
http://www.parentingni.org/usefullinks/documents/tipsforparents_000.pdf
- Family Lives parenting discipline booklet
Discipline Information and advice for parents and families
http://pelorous.totallyplc.com/public/cms/209/432/570/1577/updated%20fl_discipline_final_2.pdf?realName=BOuY2M.pdf
- Durrant, J. E. (2013) *POSITIVE DISCIPLINE IN EVERYDAY PARENTING*
[online]. Available from:
http://resourcecentre.savethechildren.se/sites/default/files/documents/s_3rd_edition_positivediscipl_new.pdf

New Zealand

- Booklet published for parents and for relevant practitioners explaining reasons not to smack children and practical guidance on managing children's behaviour – Pritchard, R. (2008) *Children are Unbeatable* [online]. Available from: <http://www.occ.org.nz/assets/Publications/CUB.pdf> (accessed 15 July 2015).
- Book published for parents with information on positive discipline strategies - Office of the Children's Commissioner (2008a) *Choose to Hug* [online]. Available from: <http://www.occ.org.nz/assets/Publications/OCCchoose-to-hugBPC.pdf> (accessed 15 July 2015).
- Barnardo's leaflet on New Zealand's Child Discipline Law for parents – Barnardos (2009) *New Zealand's Child Discipline Law*. Available from: <http://www.parentscentre.org.nz/myfiles/barnardosparentingpamphlet.pdf> (accessed 15 July 2015).
- SKIP (Strategies with Kids, Information for Parents) website provides information for parents and resources - <http://www.skip.org.nz/>